

REMARKS

Summary of the Office Action

Claims 1-2 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Nimura et al., U.S. Patent No. 5,884,218, (hereinafter "Nimura"). Claims 9-10 and 13-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Okude et al., U.S. Patent No. 6,175,802 (hereinafter "Okude"). Claims 4-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nimura in view of Okude. Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nimura and Okude as applied to claim 5 and further in view of Aoki et al., U.S. Patent No. 6,304,212 (hereinafter "Aoki"). Claims 3 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nimura in view of U.S. Patent No. 6,246,958 to Hirono. Claims 12 and 15-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okude in view of Hirono. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claim 17 is allowed.

Summary of the Response to the Office Action

Applicant has amended claims 1-4, 6-14, and 16 to differently describe the invention. Accordingly, claims 1-17 remain pending for consideration.

Rejections under 35 U.S.C. §§ 102(e) and 103(a)

Claims 1-2 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Nimura. Claims 9-10, and 13-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Okude. Claims 4-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nimura in view of Okude. Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nimura and Okude as applied to claim 5 above, and further in view of Aoki. Claims 3 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nimura in view of Hirono. Claims 12 and

15-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okude in view of Hirono. To the extent that these rejections might still apply to the claims as newly-amended, they are respectfully traversed as follows.

Independent claim 1

In the Final Office Action, independent claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Nimura. In the previous response filed on March 5, 2003, Applicant explained that the applied Nimura reference does not teach or suggest the claimed navigation system combination including at least “a plurality of memory devices each capable of reading out map data which is recorded therein” and “a map data reading device for accessing one of the memory devices, which is selected in accordance with a predetermined condition”.

Applicant explained in the March 5, 2003 response that Nimura is directed to a map indication device and navigation device that recognizes the shapes of buildings or facilities and uses this information to allegedly identify designations of destinations quickly and easily. The display of a house map and a road map is changed over depending upon predetermined conditions.

Applicant went on to explain in the previous response that the navigation device of Nimura includes a data storage unit 37 for storing various data such as map data, intersection data and road data. When the car has reached a predetermined radius from a registered destination, the map indicated on the user's display 33 automatically switches from the road map to a house map. The data storage unit 37 also includes “external data storage means” for storing external data of buildings such as the shapes of the buildings and “internal data storage means” for storing internal data, such as addresses, names and telephone numbers of the buildings.

At page 8, paragraph 12 of the Final Office Action, the Examiner responds to these arguments by asserting that

“Nimura does disclose in column 7, lines 7-9, ROM5 for guiding the routes and indicate the maps; also picture memory 10 store map picture (column 7, lines 17-39); also, program stored in storage unit are map data, program are read and written to flash memory (columns 8-9, lines 25-33), therefore map data are read and written to flash memory 3.”

As a result, the Final Office Action then concludes that “Nimura does disclose a plurality of memory device each capable of reading out map data which is recorded therein and a map data reading device accessing one of the memory device, which is selected in accordance with a predetermined condition.” Applicant respectfully traverses the Final Office Action’s interpretation of Nimura for at least the following reasons.

The Final Office Action cites to “ROM5 for guiding the routes and indicate the maps” as meeting one of the claimed “plurality of memory devices each capable of reading out map data which is recorded therein.” Applicant notes that col. 7, lines 7-9 of Nimura teaches that ROM 5 “stores data necessary for guiding the routes and for indicating the maps.” Thus, Applicant respectfully submits that ROM 5 merely includes data that is used in conjunction with the map data stored in the data storage unit 37, but ROM 5 does not itself actually store map data therein, as recited in claim 1.

Similarly, the picture memory 10 referred to by the Final Office Action “stores the picture data to be indicated on the picture of the display 33,” as discussed at col. 7, lines 21-22. However, this picture data, like the data stored in ROM 5, is data that is used in conjunction with

the map data stored in the data storage unit 37, but picture memory 10 does not itself actually store map data therein, as recited in claim 1.

Finally, the Final Office Action refers to flash memory 3 (col. 8-9, lines 25-33) as having written into it map data from the data storage unit 37. However, Applicant respectfully submits that col. 8, lines 25-32 of Nimura and the subsequent flowcharts in the patent explain that programs that are used in conjunction with the map data are transferred to the flash memory 3. Applicant respectfully submits that there is no teaching or suggestion of transferring the map data itself to the flash memory 3.

As discussed at least at pages 3-4 of the instant specification, the navigation system arrangement of the instant invention provides a plurality of memory devices, each of which stores map data. The navigation system can access the optimum memory device depending on a “predetermined condition”, as recited in claim 1, from among the plurality of memory devices to ensure proper navigation operation. See also page 34, line 15- page 35, line 3; and page 40, line 25 to page 41, line 3.

Applicant respectfully notes further that claim 1 recites that the map data reading device accesses “one of the memory devices...” The plurality of memory devices referred to by the Final Office Action in Nimura (i.e., ROM 5, picture memory 10, data storage unit 37 and flash memory 3) are all used in conjunction with each other. In other words, there is no selection of only one of these memory devices, based on a predetermined condition, as recited in independent claim 1. Applicant respectfully submits that such an arrangement is neither taught nor suggested by Nimura.

Nevertheless, even in light of the above-noted distinctions, in an effort to expedite prosecution in this application, Applicant has chosen to amend independent claim 1 in order to even further distinguish it from the Nimura arrangement. For example, claim 1 is newly amended to recite “a plurality of memory devices, each capable of reading out road map data which is recorded therein,” “a navigation controlling device ... using the road map data,” and “a map data reading device ... reading out the road map data required for the navigation operation therefrom.”

Applicant respectfully submits that Nimura does not teach or suggest utilizing two separate memory devices, both including road map data, and accessing the optimum memory device depending on a “predetermined condition.” Instead, Nimura provides a memory device for storing road map data and a plurality of other memory devices for storing what it refers to as “house map” data, picture data, and map processing data, for example.

Independent claim 9

Independent claim 9 is rejected under 35 U.S.C. § 102(e) as being anticipated by Okude. In the response filed on March 5, 2003, Applicant explained that Okude does not teach or suggest the claimed navigation system combination including at least “a first memory device capable of reading out map data from a record medium in which the map data is recorded,” “a second memory device of non-volatile type, capable of reading out the map data therefrom and writing the map data thereinto,” and “a map data reading device for selecting one of said first and second memory devices in accordance with a predetermined condition, accessing the selected one of said first and second memory devices and reading out the map data required for the navigation operation therefrom.”

Applicant explained in the March 5, 2003 response that Okude is directed to a map displaying method and apparatus and navigation system having the map displaying apparatus. The method of Okude involves utilizing three dimensional map data including information indicating horizontal locations of map constituent elements such as topographical features, roads, buildings, and information indicating heights or elevations or altitudes of some of the map constituent elements. Thus, Applicant explained that Okude appears to be similar to Nimura in that it requires a plurality of memory devices in order to store and compare these different types of information, that go well beyond including only road map data.

At page 9, paragraph 12 of the Final Office Action, the Examiner responds to these arguments by asserting that

“Okude does disclose plurality of memory devices in column 4, lines 53-57, this memory can read and write; also, in column 5, lines 26-45, Okude discloses RAM 2-2, that is first memory inside processing unit 1-1, ROM 2-3 storing data, and DMA 2-4 transferring data.”

As a result, the Examiner then concludes that “Okude does provide first and second memory devices as in claim 9.”

Applicant respectfully traverses the Final Office Action’s interpretation of Okude against the claims of the instant application at least because there is no disclosure of RAM 2-2, ROM 2-3 and DMA 2-4 meeting the limitations of memory devices including map data, as recited in independent claim 9.

As Applicant explained in the previous response filed on March 5, 2003, Okude discloses a map database unit 1-3 and a RAM 2-2 storing map data. However, there is no

description in Okude that both of these memory devices are utilized in the manner recited in the instant claims. Moreover, while Okude does not clearly disclose for what function RAM 2-2 is utilized, Applicant respectfully submits that RAM 2-2 is likely used for only temporarily storing map data.

The Final Office Action also refers to ROM 2-3 and DMA 2-4 as including map data. Applicant respectfully traverses this interpretation of Okude. While col. 5, lines 33-35 refer to ROM 2-3 as “storing programs or data” and DMA (Direct Memory Access) 2-4 as “executing a high speed data transfer between ... memories,” Applicant respectfully submits that there is no specific disclosure that these memory devices include “map data” in the manner contemplated by the instant invention, and as recited in at least independent claim 9.

Accordingly, Applicant respectfully submits that Okude provides disclosure of only one memory device, the map database unit 1-3, used for storing “map data” along the lines of a memory device as discussed in the instant application. Thus, Applicant respectfully submits that Okude does not provide first and second memory devices, as recited in at least independent claim 9 of the instant application. Accordingly, Applicant respectfully submits that it would not be possible to attain the advantageous results of the instant application’s arrangement using the arrangement disclosed by Okude.

Nevertheless, even in light of the above-noted distinctions, in an effort to expedite prosecution in this application, Applicant has chosen to amend independent claim 9 in order to even further distinguish it from the Okude arrangement. For example, claim 9 has been newly amended to replace all references to “map data” with --road map data--, as discussed above with

regard to independent claim 1. Okude, like Nimura, does not teach or suggest utilizing two separate memory devices including road map data and accessing the optimum memory device depending on a “predetermined condition.”

Remaining Claims

Applicant respectfully submits that, to the extent that they might still apply to the claims as newly-amended, the remaining rejections of dependent claims 2-7 and 10-16 under 35 U.S.C. §§ 102 and 103(a) are also traversed and these dependent claims are allowable at least for the same reasons as their respective independent claims because each of the applied secondary references fail to cure the deficiencies of the primary references. Applicant respectfully submit that dependent claims 2-4, 6-8, 10-14, and 16, like their respective independent claims 1 or 9, have been amended to change all instances of “map data” with --road map data--.

Applicant respectfully assert that the rejections under 35 U.S.C. §§ 102(e) and 103(a) should be withdrawn because the applied art of record, whether taken singly or combined, do not teach or suggest each feature of independent claims 1 and 9, as amended. As pointed out in MPEP § 2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).” Similarly, MPEP § 2143.03 instructs that “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).” Furthermore, Applicants respectfully assert that dependent claims 2-7, and 10-16 are allowable at least because of the dependence from their respective independent claims and the reasons set forth above.

Applicant points out once again that while page 1 indicates that claim 11 has been rejected, there is no specific rejection indicated within the body of the Office Action at pages 2-9. Accordingly, Applicant respectfully submits that that claim 11 also includes allowable subject matter because no specific art or other rejections have been applied against it, and for the reasons discussed above.

Moreover, the Examiner is thanked for the indication that claim 8, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, in light of the amendments to independent claim 1, on which claim 8 depends, and the corresponding arguments set forth above, Applicant respectfully requests that the objection to claim 8 be withdrawn. Moreover, the Examiner is thanked for the indication that claim 17 is allowed.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests the entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,

including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

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By:



Paul A. Fournier

Reg. No. 41,023

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202.739.3000
Fax: 202.739.3001